

REMARKS

Prior to this Amendment, Claims 1-6 were pending in the application, with Claims 1 and 4 as independent claims. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,990,333 B2 to Andrew et al.

It is respectfully noted that the Examiner relies on Andrew et al. to reject all of the claims. The earliest date that can be relied upon with respect to Andrew et al. is November 27, 2002, the Application filing date. Submitted herewith is an Affidavit under 37 C.F.R. §1.131, which includes an invention disclosure and an English translation thereof, which establishes conception of the invention described in the present application prior to November 27, 2002, reduction of practice of the present invention as evidenced by filing of Korean Patent Application No. 7493-2003 on February 6, 2003, to which this present application claims priority, and due diligence from prior to November 27, 2002 until reduction to practice of the present invention.

The new §1.131 Declaration filed with this Submission includes additional information regarding specific activities performed during the due diligence period and documentation including records of these activities, as requested by the Examiner, as noted in the Interview Summary dated June 30, 2008.

More specifically, the enclosed §1.131 Declaration and Information Disclosure Document provide further information regarding steps taken to prepare Korean Patent Application No. 7493-2003, to which the present Application claims priority, for filing. We further note that, as recited in MPEP 2138.06, "The diligence of attorney in preparing and filing patent application inures to the benefit of the inventor," and, "Reasonable diligence is all that is required of the attorney." (citing *Haskell v. Coleburne*, 671 F.2d 1362, 213 USPQ 192, 195 (CCPA 1982) and *Bey v. Kollonitsch*, 866 F.2d 1024, 231

USPQ 967 (Fed. Cir. 1986)). These steps establish diligence from before November 27, 2002, the effective date of Andrew et al., until February 6, 2003, the filing date of Korean Patent Application No. 7493-2003 and the date of constructive reduction to practice.

Therefore, the documents submitted establish conception prior the reference date of Andrew et al., coupled with diligence from prior to the effective date of Andrew et al. until reduction to practice. Based on at least the foregoing, withdrawal of Andrew et al. as a reference and withdrawal of any and all rejections based thereon is respectfully requested.

Regarding the §102(e) rejection of independent Claims 1 and 4, these claims are not anticipated by Andrew. As indicated above, Claims 1 and 4 have been amended to more clearly recite the subject matter of the present invention. More specifically, Claims 1 and 4 have been amended to recite, in part, “outputting a list of menu options available in the mobile terminal as setting categories; receiving a user selection of a plurality of user setting menu options from among the list of available menu options.” FIG. 2 of the present application, for example, illustrates distinct steps of displaying menu options, receiving a selection of a plurality of menu options, and registering the selected plurality of menu options in a group. By contrast, Andrew merely refers to selection of a pre-existing profile, but does not teach a process of selecting and registering user setting menu options in a scheduling setting group (i.e., creating a new profile). Therefore, Andrew does not teach the above-quoted limitation of independent Claims 1 and 4.

For at least the reasons stated above, Andrew does not teach all of the limitations of amended independent Claims 1 and 4 arranged or combined in the same manner as recited in the claims. Therefore, amended independent Claims 1 and 4 are not anticipated by Andrew. Accordingly, withdrawal of the §102(e) rejection of amended independent Claims 1 and 4 is respectfully requested.

Claims 2-3 and 5-6 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 1 and 4.

Accordingly, all of the claims pending in the Application, namely, Claims 1-6 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

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